

ASSEMBLY, No. 6010

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 15, 2021

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes grant program in DEP to provide financial assistance to municipalities for infrastructure and other physical upgrades to certain municipally owned sanitary landfill facilities closed before June 1987; appropriates \$10 million.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing a grant program in Department of
2 Environmental Protection to finance upgrades to certain
3 municipally owned sanitary landfill facilities, supplementing Title
4 13 of the Revised Statutes, and making an appropriation.
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8

9 1. As used in this act:

10 “Commissioner” means the Commissioner of Environmental
11 Protection.

12 “Department” means the Department of Environmental
13 Protection.

14 “Grant program” or “program” means the “Municipal Landfill
15 Upgrading and Infrastructure Improvement Grant Program,”
16 established pursuant to section 2 of this act.

17 “Improperly closed sanitary landfill facility” or “improperly
18 closed” means a sanitary landfill facility, or a portion of a sanitary
19 landfill facility, at which operations were terminated prior to June 1,
20 1987 and for which performance is not complete with respect to all
21 activities associated with the design, installation, purchase, or
22 construction of structures or equipment, or with respect to the
23 implementation of other appropriate measures, as may be required by
24 the department, pursuant to law, for proper facility closure,
25 including, but not limited to, activities involving the placement or
26 installation of earthen or vegetative cover, methane gas vents,
27 methane gas monitors, air pollution control devices, and leachate
28 monitoring wells or collection systems.

29 “Municipal landfill upgrading and infrastructure costs” or “costs”
30 means the financial costs incurred by a municipality in association
31 with its implementation and ongoing maintenance and management
32 of infrastructure improvements and other physical upgrades to a
33 municipally owned and improperly closed sanitary landfill facility.

34 “Sanitary landfill facility” means the same as that term is defined
35 in section 3 of P.L.1970, c.39 (C.13:1E-3).
36

37 2. a. The “Municipal Landfill Upgrading and Infrastructure
38 Improvement Grant Program” is established in the Department of
39 Environmental Protection to provide financial assistance to pay
40 municipal landfill upgrading and infrastructure costs incurred by a
41 municipality, which costs are necessary to ensure that the
42 municipality:

43 (1) comports with the department’s standards and regulations
44 concerning the proper closure, capping, and post-closure care of
45 sanitary landfill facilities; and

46 (2) has the capacity to effectively prevent, minimize, eliminate,
47 or monitor pollution and other health hazards resulting from a
48 municipally owned and improperly closed sanitary landfill facility.

- 1 b. Any municipality that owns an improperly closed sanitary
2 landfill facility shall be eligible to apply for a grant under the
3 program.
- 4 c. An eligible municipality seeking to obtain a program grant
5 shall submit an application therefor, in a form and manner prescribed
6 by the commissioner. The grant application shall include the
7 following information:
- 8 (1) a certification stating that the sanitary landfill facility, which
9 is the subject of the grant application, is owned by the municipality
10 and was improperly closed prior to June 1, 1987;
- 11 (2) a statement indicating the total amount of funding that is
12 being sought under the grant program;
- 13 (3) a list of other financial resources, including federal financial
14 assistance, that may be available to finance the municipal landfill
15 upgrading and infrastructure costs;
- 16 (4) a description of the specific project or projects for which grant
17 funding is being sought, including: the type of infrastructure
18 improvement or other physical upgrade being proposed; the reason
19 why such infrastructure improvement or other physical upgrade is
20 necessary; the environmental and health-related impacts that are
21 expected to result from the improvement or upgrade; the total
22 anticipated costs of the project, including the total anticipated
23 expenses associated with the municipality's ongoing maintenance
24 and management of completed project components; the permits and
25 approvals that will required for project commencement; and the
26 anticipated dates on which the project will be commenced and
27 completed; and
- 28 (5) any other information required by the commissioner.
- 29 d. A grant awarded under the program shall be used only to
30 finance those municipal landfill upgrading and infrastructure costs
31 that are directly incurred and paid by the municipality. In any case
32 where a federal agency is financing a portion of the municipal landfill
33 upgrading and infrastructure costs, the total costs used to determine
34 the amount of the grant to be awarded under the program shall be
35 reduced by the amount of the federal contribution.
- 36 e. Within 180 days after the effective date of this act, the
37 commissioner shall develop a project priority system, which shall
38 identify the ranking criteria and funding policies that will be used by
39 the department to prioritize projects for grant awards under the
40 program. At a minimum, the project priority system shall provide for
41 the prioritization of those projects that will have the most significant
42 impacts with respect to enabling the ongoing municipal prevention,
43 reduction, elimination, or monitoring of pollution and other health
44 hazards resulting from an improperly closed sanitary landfill facility.
- 45 f. Each municipality receiving a grant award under the program
46 shall submit to the department, on an annual or more frequent basis,
47 as required by the commissioner, a grant fund expenditures report
48 that describes how the awarded grant funds are being used by the

1 municipality. Each report shall be submitted in a form and manner
2 prescribed by the commissioner.

3 g. The commissioner shall annually submit a written report to
4 the Governor, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
5 19.1), to the Legislature, on the implementation and effectiveness of
6 the grant program. The annual report shall, at a minimum:

7 (1) identify the total number and dollar amount of grant awards
8 issued during the current reporting period, the total number and dollar
9 amount of grant awards issued, to date, since the program was
10 commenced, and the total number of funded projects that have been
11 completed;

12 (2) for those projects that received a grant during the current
13 reporting period, indicate the purpose for which each grant was
14 awarded, and describe the anticipated or actual environmental and
15 health-related impacts associated with the grant award;

16 (3) indicate the amount of appropriated funds that remain
17 available to finance future grant awards under the program; and

18 (4) evaluate whether, and the extent to which, the grant program
19 has been successful in facilitating municipal compliance with
20 department standards and regulations governing the proper closure,
21 capping, and post-closure care of sanitary landfill facilities, and
22 whether, and the extent to which, grant-funded projects have
23 succeeded in enabling the more effective municipal prevention,
24 minimization, elimination, or monitoring of pollution and other
25 health hazards resulting from these facilities.

26

27 3. a. The commissioner shall adopt rules and regulations,
28 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
29 (C.52:14B-1 et seq.), as may be necessary to implement the
30 provisions of this act.

31 b. The rules and regulations shall identify, at a minimum:

32 (1) the procedures to be used by municipalities when submitting
33 grant applications;

34 (2) the standards to be used by the department when evaluating
35 grant applications and when awarding program grants in accordance
36 with the priority system developed pursuant to subsection e. of
37 section 2 of this act;

38 (3) any limitations, restrictions, or other requirements concerning
39 the use of grant funds awarded under the program; and

40 (4) the requisite content of the grant fund expenditures reports
41 that are to be submitted by grant recipients, pursuant to subsection f.
42 of section 2 of this act, and the requisite timeframes for submission
43 of the reports.

44

45 4. There is appropriated, from the General Fund to the
46 Department of Environmental Protection, the sum of \$10,000,000 for
47 the purposes of financing grants to municipalities, as provided by this
48 act.

1 5. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill would establish, in the Department of Environmental
7 Protection (DEP), a “Municipal Landfill Upgrading and
8 Infrastructure Improvement Grant Program.” The program would
9 provide financial assistance to pay municipal landfill upgrading and
10 infrastructure costs – i.e., those financial costs that are incurred by a
11 municipality in association with its implementation and ongoing
12 maintenance and management of infrastructure improvements and
13 other physical upgrades to a municipally owned and improperly
14 closed sanitary landfill facility – which costs are necessary to ensure
15 that the municipality: (1) comports with the DEP’s standards and
16 regulations concerning the proper closure, capping, and post-closure
17 care of sanitary landfill facilities, which were initially adopted on
18 June 1, 1987; and (2) has the capacity to effectively prevent,
19 minimize, eliminate, or monitor pollution and other health hazards
20 resulting from the improperly closed sanitary landfill facility.

21 A municipality that owns an improperly closed sanitary landfill
22 facility would be eligible to apply for a grant under the program. The
23 bill defines an “improperly closed sanitary landfill facility” to mean
24 a sanitary landfill facility, or a portion of a sanitary landfill facility,
25 at which operations were terminated prior to June 1, 1987 and for
26 which performance is not complete with respect to all activities
27 associated with the design, installation, purchase, or construction of
28 structures or equipment, or with respect to the implementation of
29 other appropriate measures, as may be required by the DEP, pursuant
30 to law, for proper facility closure, including, but not limited to,
31 activities involving the placement or installation of earthen or
32 vegetative cover, methane gas vents, methane gas monitors, air
33 pollution control devices, and leachate monitoring wells or collection
34 systems.

35 In addition to any other information that may be required by the
36 DEP commissioner, an application for a program grant submitted by
37 an eligible municipality under the bill would need to include: (1) a
38 certification stating that the sanitary landfill facility, which is the
39 subject of the grant application, is owned by the municipality and was
40 improperly closed prior to June 1, 1987; (2) a statement indicating
41 the total amount of grant funding that is being sought pursuant to the
42 bill; (3) a list of any other financial resources, including federal
43 financial assistance, that may be available to finance the municipal
44 landfill upgrading and infrastructure costs; and (4) a description of
45 the specific project or projects for which grant funding is being
46 sought. The project description is to identify: the type of
47 infrastructure improvement or other physical upgrade being
48 proposed; the reason why the infrastructure improvement or other

1 physical upgrade is necessary; the environmental impacts that are
2 expected to result from the improvement or upgrade; the total
3 anticipated costs of the project, including the total anticipated
4 expenses associated with the municipality's ongoing maintenance
5 and management of completed project components; the permits and
6 approvals that will be required for project commencement; and the
7 anticipated dates on which the project will be commenced and
8 completed.

9 A grant awarded under the program may be used to finance only
10 those municipal landfill upgrading and infrastructure costs that are
11 directly incurred by a municipality. In any case where a federal
12 agency is financing a portion of the municipal landfill upgrading and
13 infrastructure costs, the total costs used in determining the amount of
14 the grant to be awarded under the grant program would be reduced
15 by the amount of the federal contribution.

16 The bill requires the DEP commissioner, within 180 days after the
17 bill's effective date, to develop a project priority system that
18 identifies the ranking criteria and funding policies to be used by the
19 DEP when prioritizing projects for grant awards under the program.
20 At a minimum, the project priority system is to provide for the
21 prioritization of those projects that will have the most significant
22 impacts with respect to enabling the ongoing municipal prevention,
23 reduction, elimination, or monitoring of pollution and other health
24 hazards resulting from an improperly closed sanitary landfill facility.

25 Each municipality receiving a grant award under the program
26 would be required to regularly submit to the DEP, a grant fund
27 expenditures report that describes how the awarded grant funds are
28 being used by the municipality. The commissioner would be required
29 to adopt rules and regulations that, among other things, specify the
30 requisite content of these expenditure reports. The bill also requires
31 the DEP commissioner to annually submit, to the Governor and the
32 Legislature, a written report on the implementation and effectiveness
33 of the grant program, which is to include, among other things, an
34 accounting of the appropriated funds that remain available for future
35 project grants.

36 The bill would appropriate \$10 million from the General Fund to
37 the DEP for the purposes of financing grants under the program.